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Issue Paper INDIA SIKHS IN PUNJAB 1994-95 February 1996

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1. INTRODUCTION

This paper is intended to serve as an update on the human rights situation for Sikhs in the Indian state of Punjab. It follows three earlier DIRB reports which deal with Sikhs and/or Punjab: Response to Information Request IND20566.E of 21 August 1995, *India: Punjab Human Rights Update* of January 1994, and *India: Sikhs Outside Punjab* of December 1992.

Three major events or trends have affected perspectives on human rights in Punjab in the last year or so: the 31 August 1995 assassination of Punjab Chief Minister Beant Singh, the May 1995 lapse of the Terrorist and Disruptive Activities (Prevention) Act (TADA), and the increased public and judicial focus on abuses by the Punjab police. This paper will discuss these issues after first giving a brief background describing the situation in Punjab since the containment of the Sikh militants in 1992-93.

2. BACKGROUND

2.1 Situation in Punjab

A number of sources that discuss the period after the 1992-93 counter-insurgency, in which numerous Sikh militants surrendered, fled, or were captured or killed, indicate that a measure of peace returned to Punjab, bringing a resurgence in social, political and economic life (Wallace 1994, 2; *India Abroad* 28 Apr. 1995a, 13; *ibid.* 28 Apr. 1995b, 15; *India Today* 31 Mar. 1994a, 61; IPS 14 Feb. 1994; see also DIRB Jan. 1994, 12-13, and DIRB 21 Aug. 1995). Many of these reports indicate, for example, that since the containment of the militancy, night-time social activities, severely curtailed by religious militants, became popular once more, as did evening travel and after-hours agricultural work (*India Abroad* 28 Apr. 1995b 15; *India Today* 31 Mar. 1994a, 61; IPS 14 Feb. 1994). The Punjab economy, which remained functional even during the worst of the fighting, has been booming in recent years (*India Abroad* 28 Apr. 1995c, 14; *India Today* 31 Mar. 1994a, 61; OAA Feb. 1995, 5). Democratic elections have been held at the state and local levels; also, deaths as a result of the militancy dropped off considerably after 1992 (*India Abroad* 28 Apr. 1995a, 13; All India Radio Network 2 Oct. 1994; US Department of State Apr. 1995; *India Today* 31 Mar. 1994b, 63; see also DIRB Jan. 1994, 4-12). ^[1]

Nevertheless, even with these signs of peace, several sources indicate that human rights abuses

have continued in the state, many of the complaints centering around the conduct of the Punjab police, who used extraordinary means to combat the militants and reportedly have retained considerable powers despite the decline in militant activity (NHRC 25 July 1994; HRW 1995, 154-155; United Nations 12 Jan. 1995, 62; *ibid.* 30 Dec. 1994, 45-46; AI 1995, 158; *Country Reports 1994* 1995, 1219-1220). The National Human Rights Commission of India (NHRC), which visited Punjab in July 1994, summed up the situation this way:

There was near unanimity in the views expressed by the public at large that terrorism has been contained. People had tolerated the methods adopted by the police to contain terrorism as long as the situation had so warranted. There was widespread feeling that life in urban and rural areas has largely returned to normal. While there was need for continuing vigilance, a feeling was now growing and was repeatedly expressed that it was time for the police to cease operating under the cover of special laws. There were very strong demands made for normalising the role and functioning of the police and for re-establishing the authority of the District Magistrates over the police.... In the public mind there is a prevailing feeling of the police being above the law, working on its own steam and answerable to none. There were even allegations that subordinate Police Officers are not heeding the instructions of the superiors (NHRC 25 July 1994, 2).^[2]

2.2 Sikhs in India

It has been estimated that in the ten years of greatest violence in Punjab, 1983-93, over 15,000 people were killed (Wallace 1994, 2). Professor Paul Wallace, a specialist in Punjab politics at the University of Missouri-Columbia, maintains that despite the violence Sikh separatists did not succeed in generating

sustained hostility between the majority Sikh and minority Hindu communities so as to drive the Hindus from Punjab and, in a counter-reaction, force Sikhs in other states to seek refuge in Punjab. Communalism—the term for religious conflict in South Asia—does rise at times, suspicions and apprehension flare, but ordinary interactions continue in both rural and urban areas (1994, 2).

Sikhs make up a small majority within Punjab—about 60 per cent—but represent only 1.9 per cent of the total Indian population (Wallace 1994, 5-6; OAA Feb. 1995, 4). They have been characterized as "probably India's most physically conspicuous minority" (Schermerhorn 1978, 128).^[3] According to *The Sikh Diaspora: Migration and Experience Beyond Punjab*, "8 to 10 per cent of the total world Sikh population of nearly 15 million live outside of India, and a third of those living in India reside outside Punjab" (1989, 307).^[4] Wallace reports that

Every head of the elected [Punjab] state governments since 1966 has been a Sikh. [Sikhs] play an extraordinary role in the military, police, and transport, in addition to agriculture. They are increasingly successful in the professions and are entering commerce in ever larger numbers. Notable progress is seen in education, health, and particular areas of entrepreneurship. Sikhs clearly are one of India's fastest developing and leading communities (1994, 5; see also OAA Feb. 1995, 6, 8).

At the same time commentators have noted that the Sikh community in India harbours a strong sense of discrimination and insecurity (*ibid.* 6; IRB 24 Aug. 1994, 23). Besides the bitter legacy of violence, long-standing grievances include unresolved water-sharing arrangements with neighbouring Haryana State and the sharing with Haryana of the capital city, Chandigarh, a fear of losing Sikh

culture, and the related desire for greater state powers in the face of centralized federalism (ibid. 6; Pettigrew 1995, 5, 7, 55; Joshi 19 Sept. 1995; Mahmood 28 June 1995, 15; ibid. 1995, 6-7; IRB 24 Aug. 1994, 23; *Le Monde* 2 Sept. 1995, 5). In addition, differences over religion, politics, militancy and caste have factionalized the Sikh community and the Sikh political party, Akali Dal, adding to the sense of being a minority (Wallace 1994, 6, 11; *India Abroad* 11 Aug. 1995, 6; ibid. 3 Mar. 1995, 8). Commentators have also placed Sikh apprehensions within the context of periodically violent Hindu-Muslim relations, and the rise of Hindu nationalism paralleling that of the fundamentalist Hindu Bharatiya Janata Party (BJP), which has raised fears among several ethnic communities in India (NPR 8 Oct. 1994; The Electronic Telegraph 1 Sept. 1995; AFP 6 June 1995; ibid. 30 Apr. 1995).

However, sources also indicate that Punjab police attention is for the most part focused on those Sikhs who publicly advocate separatist views, or are thought to be associated with the militancy (Singh 1 Sept. 1995, 23, 27, 30; DIRB 21 Aug. 1995, 5; Mahmood 28 June 1995, 4, 20-21). Punjab human rights lawyer Navkiran Singh lists among this group any militants, suspected militants, members of the Akali Dal political party, members of Sikh sects involved in religious training, and lawyers who defend accused militants (1 Sept. 1995, 30; Singh et al. 29 May 1994). Reportedly, family members of suspects and known militants are also often watched and harassed by police (*Los Angeles Times* 9 July 1994; ibid. 1995, 157; *India Today* 31 Jan. 1995, 134; IRB 24 Aug. 1994, 24, 27-29).

NOTES

[1] According to *Patterns of Global Terrorism* 1994, "Total civilian deaths in Punjab have declined more than 95 percent since more than 3,300 civilians died in 1991. The drop results largely from Indian Army, paramilitary, and police successes against extremist groups" (US Department of State Apr. 1995). [\[back\]](#)

[2] A more detailed discussion of the Punjab police follows in Section 4. [\[back\]](#)

[3] Orthodox or Khalsa Sikh males, as a matter of faith, are expected to keep their uncut hair (*kesh*) in a turban, and to wear a special comb (*kanga*), breeches (*kaccha*), steel wrist band (*kara*), and sword or knife (*kirpan*) (Mahmood 1995, 5). Initiation into the Khalsa takes place by taking *pahul* or baptism (*New Encyclopedia Britannica* 1990, 283). The code of conduct, called the *Rahit*, also includes a ban on smoking (McLeod 1989, 121). According to W.H. McLeod, in the orthodox view, "Those who decline to accept the basic requirements of the Rahit can still be accepted as Sikhs, but only on the understanding that they are failing to discharge customary duties" (ibid.). However, Mahmood cautions that traditionally many Sikhs did not become baptised into the Khalsa, and "were hence less remarkably different from surrounding Hindus," and that "Sikhs and Hindus have clearly lived intertwined lives for much of the past several centuries of Sikhism's existence...with many families incorporating members who were Sikh and others who were Hindu" (Mahmood 1995, 7; see also Wallace 1994, 11). Mahmood also cautions that even during the height of the militancy, only a minority of Sikhs were involved, and that that number has diminished even further in recent years (Mahmood 28 June 1995, 50). [\[back\]](#)

[4] The US Department of State Bureau of Democracy, Human Rights and Labor cites the 1981 census in indicating that about 4 million Sikhs lived in India outside Punjab, with 10.2 million living in Punjab (OAA Feb. 1995, 6). [\[back\]](#)

3. MILITANCY

3.1 Beant Singh Assassination Militant Strength

A powerful car bomb blast in Chandigarh late in the afternoon of 31 August 1995 killed Punjab's chief minister, Beant Singh, along with 12 others, and shook official confidence that the Sikh militancy was all but dead (*The Guardian Weekly* 10 Sept. 1995, 3; *Le Monde* 2 Sept. 1995, 5; IPS 1 Sept. 1995; *India Abroad* 8 Sept. 1995a, 4). Singh, closely associated with sharply reducing militant activity and with the return of peace to Punjab, had the highest security protection the state could provide, which included 120 elite National Security Guard members surrounding him at all times (ibid.; ibid. 8 Sept. 1995b, 8; *FEER* 14 Sept. 1995, 16-17). Yet the assassination took place outside his office in an area

considered very secure. A suicide bomber is suspected (*India Today* 30 Sept. 1995c; *The Guardian Weekly* 10 Sept. 1995, 3; *FEER* 14 Sept. 1995, 17). The Babbar Khalsa^[5] claimed early responsibility but security authorities were reportedly not convinced they were the culprits (*India Abroad* 8 Sept. 1995a, 4; *ibid.* 8 Sept. 1995c, 6).

Follow-up reports indicated a massive manhunt proceeding in Punjab and other states (*India Today* 30 Sept. 1995b; *FEER* 14 Sept. 1995, 17; *India Abroad* 8 Sept. 1995a, 4; Joshi 19 Sept. 1995). According to Ravinder Joshi, a human rights lawyer from Punjab, police have secretly rounded up over a thousand suspects, for the most part young Sikh males and females, but sometimes entire families, holding many of them in incommunicado detention (Joshi 19 Sept. 1995). Jaspal Singh Dhillon, chair of the Human Rights Wing of the Shiromani Akali Dal, told the DIRB in November 1995 that in Ropar and Patiala districts, the Central Bureau of Investigation (CBI) had rounded up about 700 suspects following the assassination; all had a previous record of handling explosive devices (Dhillon 6 Nov. 1995). However, according to Dhillon, nearly all of these suspects were released within a few days, and "nearly 90 per cent of them weren't interrogated using torture methods" (*ibid.*). By 24 October 1995, according to Dhillon, 32 people in the District of Ropar and 16 in Patiala were still being held in illegal custody; further, in border districts such as Amritsar and Gurdaspur, over 500 were picked up in the investigation (*ibid.*). Dhillon claims that police in these districts are more corrupt, and that "they had run out of reasons for picking up people and extorting money. So in [these] districts...most of [the 500] were detained until some money was paid of by the parents or the relatives" (*ibid.*) Two Sikh men have been formally arrested in the case, a police constable from Punjab and an electronics engineer; two or three more Sikh men are also suspected of involvement (*The Hindu* 16 Sept. 1995; *India Today* 30 Sept. 1995c).

The assassination has been called India's most important since the killing of Rajiv Gandhi in May 1991 (*Le Monde* 2 Sept. 1995, 5; *The Guardian Weekly* 10 Sept. 1995, 3). Yet some analysts contend that it does not necessarily signal a resurgence of militancy in Punjab (*India Today* 30 Sept. 1995b; *FEER* 14 Sept. 1995, 17; *India Abroad* 8 Sept. 1995a, 4; Joshi 19 Sept. 1995). *The Far Eastern Economic Review*, for example, points to the genuine outpouring of grief at Beant Singh's funeral, and to popular discontent with violence after the militant unrest (*FEER* 14 Sept. 1995, 17). Furthermore, militant strength over the past couple of years has generally been considered low (US Department of State Apr. 1995; HRW 1995, 154; *Country Reports* 1994 1995, 1220; *India Today* 31 Mar. 1994b, 63). *Country Reports* 1994, for example, reported that

In Punjab, instances of terrorist violence virtually disappeared in 1994, and the number of Sikh militants killed diminished considerably from 1993.... During 1994, 76 alleged Punjabi militants were reportedly killed in armed encounters, including only 4 in the last 6 months of the year, compared with more than 583 such killings in 1993 (1995, 1220).^[6]

Patterns of Global Terrorism 1994, another US Department of State report, stated in April 1995 that the Sikh separatist movement was now largely under control, although it considered the strength of Sikh militant groups "unknown" and listed as "active"

Babbar Khalsa, Azad Khalistan Babbar Khalsa Force, Khalistan Liberation Front, and Khalistan Commando Force. Many of these groups operate under umbrella organisations, the most significant of which is the Second Panthic Committee (US Department of State Apr. 1995).

Similarly, *India Today* quoted Punjab Director General of Police K.P.S. Gill in March 1994 as

saying, "There are no militant groups in Punjab," although police sources used in the article estimated the existing militant leadership at about 14, many of them outside Punjab or abroad, with "about four dozen committed middle-level members" (*India Today* 31 Mar. 1994b, 63). However, following the assassination of Beant Singh, *India Today* stated that a recent Indian intelligence report listed 211 Punjab terrorists, 29 of whom were "hard-core" (*India Today* 30 Sept. 1995a). Main groups still said to be active, according to the report, include the Babbar Khalsa, Khalistan Commando Force (KCF)--Panjwar Group, the KCF--Zaffarwal, the Khalistan Liberation Force, and the Bhindranwale Tiger Force (*ibid.*). Other reports following the assassination of Beant Singh indicate that security forces might have underestimated the strength of the militancy and ignored warnings that a high-profile attack was possible (*India Abroad* 8 Sept. 1995b, 8; *FEER* 14 Sept. 1995, 17).

Indeed, the Singh assassination was followed by further bomb attacks in Delhi and other parts of north India in late September 1995. The Khalistan Liberation Force claimed responsibility for two explosions in an historic section of Delhi that injured more than 40 people (VOA 26 Sept. 1995; CBC Radio 27 Sept. 1995). Bombs also exploded on a rail line in north west Delhi and at a rail station north of the capital. The Khalistan Liberation Force reportedly has threatened more bomb attacks in Delhi (*ibid.*; VOA 26 Sept. 1995).

The Singh assassination and these subsequent bombings have overshadowed all other recent militant attacks, but some others have been reported in the past few years. In February 1995, for example, Rajendra Mirdha, the son of a former government minister and Congress (I) member, was rescued in Jaipur, Rajasthan, after having been kidnapped by the Khalistan Commando Force (Panjwar Group). Initial fears that the militants were holding uranium turned out to be groundless, according to police (AP 2 Mar. 1995; Reuters 18 Feb. 1995). The militants had reportedly demanded the release of Devinder Pal Bhullar, a Sikh arrested in Delhi in January 1995 in connection with an unsuccessful 1994 bomb attack against Maninderjit Singh Bitta of the Congress (I) Party (*ibid.*).

3.2 Status of Previously Captured or Surrendered Militants

A few reports have discussed the status of militants in Punjab who have surrendered or been arrested in previous operations. *India Today*, for example, in a 31 January 1995 article, found that there were many Punjab militants in jail awaiting trial who were unwilling to seek bail for fear of reprisals from either police or other militants (132-134). According to the report, the militants claim that police often demand bribes before allowing bail, and use false charges to re-arrest those who have not complied (*ibid.*). Many militants who surrendered during the counter-insurgency found that they were used by police to implicate others, and then were re-arrested and denied bail. The report also states that in the absence of rehabilitation measures former militants suffer high rates of depression and drug and alcohol dependency (*ibid.*). An earlier *India Today* article from 30 September 1994 focused on the efforts of one Senior Superintendent of Police (SSP), Sammant Kumar Goel, to help released former militants find work in the face of reluctance by employers and often ostracism from their families (102-103; see also *India Today* 31 Jan. 1995, 134; IRB 24 Aug. 1994, 29). According to the article, Goel's initiative was a personal rather than a government one, and Beant Singh's 1992 promise to rehabilitate militants had to date remained "unfulfilled" (*ibid.*, 103). Sikhs with a record of past militancy are reportedly likely to remain on police lists and be subject to round-ups and questioning (*ibid.* 102; IRB 24 Aug. 1994, 25; Singh 1 Sept. 1995, 16).

NOTES

[5] According to Mahmood, the Babbar Khalsa is "known to be the most religiously devout of all the militant groups," with a strict code of conduct that has earned them respect among militant sympathizers. "They have remained independent of the rest of the militancy, and sometimes they form coalitions, but overall, they...act on their own" (Mahmood 28 June 1995, 18). At

the same time, however, the Babbar Khalsa has also earned a reputation for killing innocent people in bombings (ibid., 25).

[\[back\]](#)

[6] The report goes on to comment: "No police or other security personnel were killed in such encounters in 1994. The fact that no police died underscored the implausibility of police claims that militants were killed in 'crossfire'" (ibid.). [\[back\]](#)

4. THE PUNJAB POLICE

4.1 Human Rights Abuses and Corruption

4.1.1 Findings of National Human Rights Commission (NHRC)

The Punjab police have been strongly criticized in recent years for the misuse of power (NHRC 25 July 1994, 1, 2; HRW 1995, 154-155; United Nations 12 Jan. 1995, 62; ibid. 30 Dec. 1994, 45-46; AI 1995, 158; *Country Reports 1994* 1995, 1219-1220). The NHRC, for example, which visited Punjab in April 1994, received a wide variety of complaints about police, including the use of arbitrary detention, disappearances, extrajudicial killings, and the illegal confiscation and occupation of properties (ibid.). Moreover, during the visit, the Punjab police detained some individuals in an effort to prevent them from lodging complaints before the Commission; they were only released after intervention by the Chairman of the NHRC (ibid., 1; AI May 1995, 2). The Commission, which only has the power to make recommendations to governments and to request official inquiries, helped set up a "core group" of government officials to deal with the specific complaints brought forward during the visit (NHRC 25 July 1994, 2; ibid. 14 June 1995; United Nations 12 Jan. 1995, 64; *India Today* 15 Jan. 1995, 127). The NHRC report also recommended that strong punitive action be taken against police convicted of human rights violations, that police stop using unlicensed vehicles, which have been implicated in "disappearances," that the state government consider publishing a list of suspects wanted by police in order to avoid arbitrary arrests, and that a state Human Rights Commission be set up (ibid. 25 July 1994, 2-4). Judicial action against Punjab police officers suspected of abuse has increased (see section 4.3), but at the time of writing, the DIRB had no information updating progress on other recommendations.

4.1.2 Abuse in Custody

The United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment stated in his 12 January 1995 report that custodial torture appears to be "pervasive in each of the 25 states of India" (64), with the likelihood of torture reportedly increasing for political detainees, especially in areas of "counter-insurgency operations..[such as] Punjab and Jammu and Kashmir" (ibid., 62). *The Lancet* reports that common torture techniques used by the Punjab police include standing on a thick wooden *ghotna* or log and rolling it over a person's legs, and pulling a person's head back by the hair for long periods while pressing a knee into the spine (28 Jan. 1995, 225-226; see also IRB 9 Dec. 1994, 26-29). According to *The Lancet* article, Punjab police often use methods designed to torture individuals without leaving long-term physical scarring (ibid., 226).

In one reported case, Sikh separatist leader Kanwar Singh Dhami was brought before reporters in March 1994 by Punjab police in Chandigarh to publicly surrender. Instead he used the platform to allege

that he, his pregnant wife Kuldip Kaur, and their six-year-old son were held in illegal and unacknowledged detention for 10 months and tortured in each other's presence. Limping at the press conference, he was said to have alleged that the authorities had threatened to kill

his family and expressed fears that they would do so (United Nations 12 Jan. 1995, 62).

According to a *Los Angeles Times* report, "After the uncooperative speaker was bundled off by police, [Director General K.P.S.] Gill said he was obviously deranged" (*Los Angeles Times* 9 July 1994). The Indian government reported to the United Nations in November 1994 that

Kanwar Singh Dhami and his wife Kaur Kuldip had been arrested for their involvement in terrorism and violence. Both are currently being tried and remained in Chandigarh jail at their own request, as they felt threatened by another terrorist group. Their son Kanbar Ranbir Singh was with his parents at the time of their arrest, but was released immediately (United Nations 14 Dec. 1994, 54-55).

In July 1994 at a press conference in New Delhi in which K.P.S. Gill was named head of the Indian field hockey association, two journalists who questioned Gill's qualifications were pulled out of the room by Punjab police, driven to a police station in an unlicensed van, and beaten (*Country Reports* 1994 1995, 1227; *Los Angeles Times* 9 July 1994; AI May 1995, 8-9). After complaints by the Delhi Union of Journalists, Gill apologized and ordered an investigation, but Amnesty International reported nearly a year later that to its knowledge no report had been issued and no individuals had been punished (*ibid.*, 9). In another case, in October 1994, Ajit Singh Bains, a former High Court judge who now heads the Punjab Human Rights Organization, described being detained by Punjab police:

On the second day, they took me into the torture center. They kept me standing for more than one hour in the sun. They showed me a boy being tortured. It was a naked vision that you can also...meet the same fate (NPR 8 Oct. 1994).

4.1.3 Disappearances

Ten of the reported eleven new cases of disappearances in India passed on to the government in 1994 by the United Nations Working Group on Enforced or Involuntary Disappearances were from Punjab (United Nations 30 Dec. 1994, 45). According to the working group's report,

The victims included several shopkeepers, a student, a day labourer, a lawyer who was reportedly well-known for defending Sikhs detained in the Punjab and two journalists believed to have been disappeared because of their alleged links with secessionist movements and for having publicly criticized the Punjab authorities (*ibid.*, 45).

NGOs reporting to the working group stated that the volume of disappearance cases being filed throughout India was down reportedly because "people inside the country fear reprisals should they report on human rights violations. The disappearance of human rights lawyers and activists is said to have created an atmosphere of fear and distrust" (*ibid.*, 45). According to NGOs reporting to the working group,

in Punjab it is primarily the police which is responsible for disappearances. In the majority of cases, the Government is said to deny holding the detainees. For the few cases in which the authorities have acknowledged the detention, those responsible are said to have operated with impunity, not being held accountable or punished. According to non-governmental organizations, there are as many as several thousand cases of disappearance in the Punjab. The need for Government to keep accurate and public records on detainees was stressed (*ibid.*, 45-46).

Amnesty International concurs that police are responsible for most of the disappearances in

Punjab (1995, 158). Lawyers defending suspected terrorists appear to be one group targeted for disappearance: in May 1994 a group of Punjabi lawyers petitioned the Supreme Court, complaining that four such lawyers had disappeared in the last three years, including Sukhwinder Singh Bhatti (Singh et al. 29 May 1994; *Country Reports* 1994 1995, 1222). Bhatti had disappeared in May 1994 after being pulled off a bus near Sangrur, Punjab, by armed plainclothesmen. He was abducted within a hundred yards of a police checkpoint, and the unlicensed van used for the getaway travelled unchallenged through that and another checkpoint, raising suspicions that the police themselves were behind the abduction. In June 1994 the Central Bureau of Investigation (CBI) was instructed by the Punjab and Haryana High Court to begin an investigation of the abduction which at last report in July 1995 was still reportedly ongoing (Supreme Court of India 2 July 1995; HRW 1995, 155; see also *Country Reports* 1994 1995, 1222; AI 25 May 1994; *Los Angeles Times* 9 July 1994; Singh et al. 29 May 1994). The May 1994 petition by Punjab lawyers to the Supreme Court also lists 28 "lawyers who are vulnerable to police wrath" with the advisement, "This list is inclusive not conclusive" (ibid.).

Two sources suggest that the Punjab police have had a large number of unidentified bodies cremated in recent years: *Indian Express* and the Human Rights Wing of the Shiromani Akali Dal investigated municipal and police records and found that in the early 1990s the Punjab police had at least several hundred, and possibly 1900 or more, unidentified bodies cremated at various municipal cremation grounds, and that the practice continued even after the decrease in militant activity after 1993 (*Indian Express* 3 Feb. 1995, 1; Human Rights Wing Shiromani Akali Dal n.d.; Dhillon 6 Nov. 1995). According to *Indian Express*, "During 1994, the Patti Municipal Committee records show that at least 17 'unclaimed' bodies were brought by the police for cremation" (ibid.). In some cases, Punjab police reportedly claimed bounty rewards^[7] for killing particular militants even though officially the bodies were unidentified; furthermore, names and home villages are actually listed for many of deceased the police had claimed were anonymous (ibid.; Dhillon 6 Nov. 1995). According to *Indian Express*, "A visit to some of these villages by an *Indian Express* team showed that some youths had actually been picked up by the police from there" (ibid.). Cremation grounds officials interviewed by the Human Rights Wing of the Shiromani Akali Dal reportedly admitted that police often brought in more bodies than were listed on the registers, and complained that there have been difficulties in burning these extra bodies because of lack of fuel (Dhillon 6 Nov. 1995).

In November 1994 former "Black Cat" commando Satwant Singh Manak revealed in a petition to the Punjab and Haryana High Court that he had witnessed Punjab police torturing and killing 11 suspected terrorists for bounties and promotions; some of the bodies had then been cremated (AFP 10 Nov. 1994). An *India Today* report from 15 December 1994 said that after filing the petition Manak had gone into hiding "for fear of his life" (55).

4.1.4 Corruption

According to some sources, corruption is common among Punjab police (IRB 24 Aug. 1994, 22; Singh 1 Sept. 1995 38, 39; Dhillon 6 Nov. 1995). Professor Paul Brass, a political scientist and Punjab specialist at the University of Washington in Seattle, for example, maintains that during the 1992-93 counter-insurgency,

more than 50 police were killed by the police in a direct operation to eliminate...the most extreme police gangs that were engaged in extortion, racketeering, and rape, and oppression of the people in villages they were supposed to be protecting (IRB 24 Aug. 1994, 11).^[8]

Brass reported in August 1994 that although the Punjab police were somewhat better trained,

harassment was continuing:

Some of it will be the normal police harassment that takes place in India all the time, especially in North India, and some of it will be misuse of police power to accuse people of political activity without any grounds at all except that for some reason or another the police want to get at a particular person (ibid., 22).

Jaspal Singh Dhillon, chairman of the Human Rights Wing of the Shiromani Akali Dal, describes police corruption in terms of "big business":

The most thriving and the most prosperous and the most visibly rich community in Punjab are the Punjab police... In India to own a car is very difficult. You have to work for twenty years before you can own a car. But in the Punjab police, if you are a constable, after six months you can easily own a car... The Punjab government, in response to a question in the Punjab parliament...has stated that 42,000 police officials were given bounties... So A person is picked up, he is detained over there, any crime that takes place is blamed on this person, and his reward keeps going up, and when it's a fat amount, some police officer will claim he eliminated so-and-so, and he collects that reward... So it is a thriving business. And mainly targeted are baptised Sikhs (Dhillon 6 Nov. 1995).

The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment reported in January 1995 that the desire to secure bribes for police officials is one important reason behind the widespread use of torture by police throughout India, and that there is "a high incidence of cover-ups with regard to torture cases involving senior police, State officials, magistrates, and members of the medical profession" (United Nations 12 Jan. 1995, 64). According to Punjab human rights lawyer Navkiran Singh, minority communities in India and Sikhs in Punjab are often subject to extortion by police, who demand bribes, for example, before relatives will be released. Singh maintains that civil disputes in Punjab also often involve bribes as well, with people paying off the police in order to get their way over others (1 Sept. 1995, 38-39). Professor Brass reported in August 1994 that this system evolved in Punjab with some measure of public consent—people willingly buying the police to get their enemies—but that police corruption also extended beyond this sort of practice (IRB 24 Aug. 1994, 22). The South Asian Human Rights Documentation Centre, cited in June 1994, described extortion as so widespread as to constitute "a way of life in the Punjab," but stated that no particular group was targeted (qtd. in RIAS June 1994, 17).

In January 1994 four women claimed that police in Amritsar had held them down and branded the word *jebkatrī* (pickpocket) on their foreheads after they were falsely accused of thievery by a police superintendent. The superintendent was said to have borne them a grudge because "they slighted him during a police search of their homes for Sikh separatist guerrillas" (Reuters 23 Jan. 1994; *Los Angeles Times* 9 July 1994). The case was widely reported and the four women were granted compensation of Rs. 50,000 (about CDN\$2,000) by the Punjab government; the superintendent and two others allegedly involved were reportedly charged in the incident (*Indian Express* 23 Nov. 1994; *Los Angeles Times* 9 July 1994).

In the last half of 1994 the Indian media gave enormous play to reports that former Punjab Governor Surendra Nath, who died with most of his family in a plane crash in July 1994, had hoarded a huge fortune. Nath had built a reputation for austerity, and had never been publicly charged with corruption during his life, but newspaper reports in December 1994 claimed that hundreds of millions of dollars or more of cash, gold, and jewellery had been found in the governor's mansion (AFP 19 Dec. 1994; *NYT* 20 Dec. 1994; ibid. 19 Dec. 1994; *International Herald Tribune* 13 Dec. 1994). After the

Punjab and Haryana High Court ordered an official investigation, the Indian government stated that only a small amount of cash (US\$2,300) and jewellery had been found (ibid.; ibid. 19 Dec. 1994; *NYT* 20 Dec. 1994). In a report focusing on the unbridled speculation about the alleged secret fortune, the *International Herald Tribune* quoted one commentary in the Indian press indicating that corruption in India was thought to be so pervasive that the public would believe almost anything bad about a public official (*International Herald Tribune* 13 Dec. 1994).

4.2 Communications and Reach

Professor Paul Brass stated in August 1994 that Punjab police have strong connections around the country, and officers, if efficient, can generally find wanted individuals, although suspects are better able to hide in large cities than rural areas (IRB 24 Aug. 1994, 25). Lists of militants and suspects are reportedly kept, and police maintain a central computer system with outlets at international airports (NHRC 25 July 1994, 3; Singh 1 Sept. 1995, 24-26; Mahmood 28 June 1995, 10; IRB 9 Dec. 1994, 22; ibid. 24 Aug. 1994, 25; see also DIRB 22 Apr. 1994). In the September 1995 manhunt for the killers of Beant Singh, for example, security was increased at airports and ports, and a computer-generated sketch of the suspects was circulated to the media (*India Abroad* 8 Sept. 1995a, 4). As well, in January 1995 authorities were able to capture suspected Punjab terrorist Devinderpaul Singh, alias Deepak, at Indira Gandhi airport (All-India Doordarshan Television 20 Jan. 1995). Police checkpoints also reportedly monitor cars crossing state boundaries (Singh 1 Sept. 1995, 24-26). In addition, local police stations are said to keep close tabs on suspected individuals, and to question family members if a suspect leaves the area (IRB 24 Aug. 1994, 25).

The Punjab police have also gained a reputation for operating outside the state, at times in an extralegal manner (AI May 1995; Singh 1 Sept. 1995, 23; *Country Reports* 1994 1995, 1220; *India Abroad* 28 Apr. 1995a, 13; *Los Angeles Times* 9 July 1994). According to Amnesty International,

There have been a series of incidents in recent years in which Punjab police have transgressed their operational jurisdiction, travelling, often in vehicles without number plates, to other Indian states to carry out under-cover operations which resulted in serious human rights violations (May 1995, 1).

In many of these operations the Punjab police did not inform local authorities of their plans or actions, possibly, according to Amnesty International, in order to avoid having to share reward money with local police (ibid., 2). In one episode in June 1994, nine Punjab police were taken into custody in West Bengal after having killed Karnail Singh, a suspected member of the Bhindranwale Tiger Force, in a West Bengal village. Punjab police claimed they had killed Singh in a shootout, but West Bengal police found that Singh's revolver had not been fired (ibid., 5-6). According to Amnesty International, after three days the nine Punjab police officers were released upon the request of then Punjab Chief Minister Beant Singh, who

apologized for the unilateral action by the police team and explained that "the police team could not inform its West Bengal counterpart since it was in a hurry".... Amnesty International is unaware that any subsequent action has been taken against the Punjab police for the apparent extrajudicial execution of Karnail Singh (ibid., 6; see also *Country Reports* 1994 1995, 1220).

In April 1995 the Indian Supreme Court censured the Punjab police about another case from May 1993 in which they reportedly pulled a police deserter and his wife out of bed and killed them in Tiljala, near Calcutta (*India Today* 31 May 1995b, 52; *India Abroad* 28 Apr. 1995a, 13; AI May 1995, 4-5). A

complaint by West Bengal's Chief Secretary received no reply; the Supreme Court reportedly ordered that five implicated Punjab police be suspended and prosecuted, and expressed concern over what they saw as Punjab government attempts at a cover up (*ibid.*, 4, 5). As a result of this case, the Chief Justice of India, A.M. Ahmadi, reportedly described Punjab police in this way: "There is no remorse among them. They kill people in cold blood and then say the judgement is bad. Their attitude appears to be: I accuse, I judge and I sentence" (qtd. in *India Today* 31 May 1995b, 52).

4.3 Judicial Review

In the last few years many people have brought petitions to the Punjab and Haryana High Court and to the Supreme Court regarding past abuses in Punjab, including disappearances and allegedly false encounter killings (*India Today* 15 Dec. 1994, 54; *Country Reports 1994 1995*, 1220-1221; Joshi 19 Sept. 1995). *India Today* reported on 15 December 1994 that

Hardly a day passes without a habeas corpus petition being moved either by the aggrieved families or as public interest litigation by human rights bodies.... The Punjab High Court has so far taken cognisance of 58 petitions pertaining to 62 disappearances. And about a dozen petitions against the Punjab Police are listed in the Supreme Court (54).

In several instances the courts have ordered investigations by the Central Bureau of Investigations, and in some cases these investigations have led to criminal prosecution of Punjab police officials and compensation being paid to the surviving families (*ibid.*, 55; Singh 1 Sept. 1995, 38, 39). For example, in July 1994 the Punjab and Haryana High Court ordered compensation of Rs. 100,000 (about CDN\$4,000) to the family of Mandinder Singh Dalli, and 11 policemen have reportedly been charged with murder for allegedly killing him in a false encounter (*ibid.* 55; *Country Reports 1994 1995*, 1221). In another case, K.P.S. Gill was personally criticized by Supreme Court Justice M.N. Venkatachalliah in September 1994 for failing to investigate the abduction and disappearance of seven members of one family in 1991 (HRW 1995, 154; *Country Reports 1994 1995*, 1221).

However, as indicated below, several sources contend that the Punjab police remain in some ways beyond judicial control. Amnesty International, for example, stated in May 1995:

Even though existing legal safeguards in India's ordinary criminal law and procedure should provide some safeguards to protect people from unacknowledged detention, they are often simply not adhered to and prisoners in Punjab are kept in secret detention for weeks and sometimes months. This practice facilitates torture and "disappearances" (2).

Similarly, *India Today*, in its article focusing on the surge of petitions against the Punjab police being brought to the attention of the upper courts, states that

many experts in criminal law are of the view that the eventual prosecution and conviction of policemen held guilty will be difficult. A paucity of conclusive evidence is likely to come to their rescue. But what [the police] apparently cannot escape is being hauled up by the courts and put behind bars as undertrials^[9] (*India Today* 15 Dec. 1994, 55).

Two human rights lawyers from Punjab, Navkiran Singh and Ravinder Joshi, believe that the justice system in Punjab does not adequately protect individuals. Singh told the IRB in September 1995 that he has at times requested magistrates to put his clients in shackles and handcuffs so that the police could not claim the next day that they had been killed while trying to escape (1 Sept. 1995, 19). In addition, Singh described the Indian judicial system as "incompetent" and "corrupt," and complained that judges in Punjab are for the most part Hindu and have been lax in allowing police leeway in

combatting terrorism (ibid., 20-21, 33). For his part, Joshi maintains that recent judicial review has not made a difference to police actions because, he claims, a climate of fear persists in the state and people often do not report abuses (Joshi 19 Sept. 1995). According to Joshi, this is what happened with round-ups after the Beant Singh assassination: people chose to remain silent, or to try to buy their relatives out of custody with bribes (ibid.).

Professor Paul Brass described the Punjab judicial system in similar terms for the IRB on 24 August 1994:

As far as the judicial system is concerned, it offers virtually no protection.... ..effective complaints against the police are really brought only in two ways primarily; by delegations of villagers to the local police station, or to some higher authority [including even] the police commissioner, or the senior superintendent of police in a district. These delegations can sometimes be effective....

The second method is the use of political patrons. If you have some powerful person who goes with you, or who makes contact with the police on your behalf, then you can get a situation alleviated, get someone released, or stop a particular pattern of police harassment involving particular people or a particular village.

But getting justice against a particular policeman who has raped someone or harassed someone, this is, well, all you can do is get a person transferred. Very occasionally a police officer will be suspended [...]. But usually it's a transfer. That's what goes on in India all the time, and Punjab as well (IRB 24 Aug. 1994, 22-23).

The Indian judicial system as a whole has been criticised in recent years by United Nations monitors: on 12 January 1995 the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment stated that he is

aware that India has a highly developed legal system with a reputation for vigorous independence. This has certainly contributed to the fact that many of the cases referred to in this and previous reports has [sic] led to some action by way of formal inquiry and disciplinary measures. At the same time, it is apparent that few incidents, in what is credibly alleged to be a widespread, if not endemic phenomenon [i.e. torture], are prosecuted and even fewer lead to conviction of the perpetrators. It is also to be noted that very many cases that come to the attention of the Special Rapporteur are those that result in death, in other words, those where torture may have been applied with the most extreme results. This must be a minority of the cases of torture in the country (72).

The United Nations Working Group on Enforced or Involuntary Disappearances sounded a similar note on 14 December 1994:

The Special Rapporteur notes with concern that, while in most cases investigations are said to be initiated, reports brought to his attention suggest that such proceedings virtually never appear to conclude with a judgement convicting the security forces personnel involved. The length of the investigative procedures is also worrying: in a number of cases, inquiries opened more than two years ago are still said to be in progress (57).

4.4 Human Rights Training

In an effort to improve the human rights record of Indian security forces, human rights training

involving organizations such as the International Committee of the Red Cross (ICRC) and the NHRC has begun in India (*Human Rights Newsletter* May 1995, 5; AP 17 Nov. 1994). Associated Press reported on 17 November 1994 on a three-day human rights workshop delivered by the ICRC to 22 Border Security Force (BSF) commanders in Tekanpur, Madhya Pradesh, and indicated that the ICRC planned to hold similar workshops in other parts of India. Amnesty International, commenting on the training, reportedly stated, "The training of security forces personnel will have little or no effect unless it is matched by decisive measures to halt human rights violations, and this the government has failed to do" (qtd. in *ibid.*). A 25 September 1995 fax from the ICRC regional delegate in New Delhi indicated that the ICRC was not doing any work in Punjab.

In May 1995, the NHRC reported that it had begun canvassing different states to find out what kind of human rights training is now offered for police (*Human Rights Newsletter* May 1995, 5). That same month, the NHRC convened a one-day meeting of director generals of police to begin the process of building a model syllabus for police human rights training (*ibid.*).

4.5 Status of Terrorist and Disruptive Activities (Prevention) Act (TADA) Cases

In May 1995, after a rising tide of complaints, the Indian government allowed the Terrorist and Disruptive Activities (Prevention) Act (TADA) to lapse (AFP 23 May 1995; AP 17 May 1995). TADA was enacted in 1985 to give security forces increased powers to fight terrorism in Punjab, but has been attacked by human rights monitors and other commentators especially for its provisions for long-term, essentially preventive detention without trial and for allowing the use of confessions given to police officers of superintendent or higher rank; both of these provisions have been seen as encouraging police use of torture and "disappearances" (*Economic and Political Weekly* 6 Aug. 1994, 2056-2057; AFP 23 May 1995; *India Today* 31 May 1995a, 50-51; NHRC 25 July 1994, 2, 4; United Nations 12 Jan. 1995, 71; see also DIRB Jan. 1994, 15-16). At the time of TADA's lapse the Indian government attempted to replace it with another anti-terrorist law, but failed to pass the legislation, leaving a legal vacuum (*India Today* 15 June 1995, 3; Singh 1 Sept. 1995). Reports indicate that while no new cases can be tried under TADA, pending TADA cases—of which there are reportedly some 54,000—will continue to be tried under the old legislation (Singh 1 Sept. 1995, 12; *India Today* 31 May 1995a, 51; AFP 23 May 1995).

For further information and updates, please consult the REFINFO database and sources available at Immigration and Refugee Board Regional Documentation Centres.

NOTES

[7] For background on the Punjab police practice of offering bounty rewards for the capture or killing of suspected militants, please refer to the DIRB's January 1994 *India: Punjab Human Rights Update*. [\[back\]](#)

[8] Pettigrew's research among Sikh militants suggests that the government set up its own militant groups to commit atrocities and discredit the independence movement; she also contends that Punjab police fought one another during the insurgency (1995, 78, 93, 130-133). [\[back\]](#)

[9] Punjab human rights lawyer Ravinder Joshi explains that it is at the discretion of magistrates or judges whether or not to grant bail (Joshi 5 Nov. 1995). In cases where serious human rights violations are alleged, bail would generally not be granted; however, Joshi is of the opinion that police charged in Punjab are not being held without bail very often, and that in these cases there is a "strong possibility" that fellow police officers will not come up with enough evidence to convict their peers (*ibid.*). [\[back\]](#)

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Dhillon, Jaspal Singh. 6 November 1995. Chairman, Human Rights Wing, Shiromani Akali Dal. Presentation to DIRB, Ottawa.

Jaspal Singh Dhillon, Chairman of the Human Rights Wing of the Shiromani Akali Dal, a Sikh political party, is a long-time human rights activist from Punjab. In November 1995 he spoke to DIRB researchers about the human rights situation for Sikhs in Punjab.

Joshi, Ravinder. Human rights lawyer. 5 November 1995. Telephone interview, St. Paul Minnesota.

Ravinder Joshi is a human rights lawyer from Punjab who recently completed his Master of Law degree at the University of Minnesota. He has done legal work for two Chandigarh-based NGOs: the Society for Social Action, and the Sikh Human Rights Group.

***The Lancet* [London]. 28 January 1995. Vol. 345, N^o. 8944. Duncan Forrest. "Patterns of Abuse in Sikh Asylum-Seekers."**

This article details the findings of a study by the Medical Foundation for the Care of Victims of Torture in London. The study examined 45 Sikh males from the Indian Punjab between November 1991 and May 1994 for signs of torture. "All the examinations were done long after the last detentions (2-8 years, mean 2.5)" (226). However, the study found similar patterns of abuse, which are detailed in the article, and which give insights into past police practices.

Mahmood, Cynthia Keppley. Department of Anthropology, University of Maine, Orono. 28 June 1995. Address to IRB Members, Montréal.

Mahmood, Cynthia Keppley. Department of Anthropology, University of Maine, Orono. 1995. "Why Sikhs Fight," *Anthropological Contributions to Conflict Resolution*. Edited by A. Wolfe and H. Yang. University of Georgia Press. (in press)

Dr. Mahmood, of the Department of Anthropology at the University of Maine, has devoted her work to understanding Sikh militants from an anthropological point of view. Along with Dr. Joyce J.M. Pettigrew (see below), she is one of the leading academics who has had significant contact with Sikh militants in recent years.

National Human Rights Commission of India (NHRC). 14 June 1995. Presentation given by Justice V.S. Malimath to the Canadian International Development Agency (CIDA) in Hull, Québec.

National Human Rights Commission of India (NHRC). 25 July 1994. *Report on Visit to Punjab*. New Delhi: NHRC.

The National Human Rights Commission of India (NHRC) was set up in 1993 to act as an independent body to investigate allegations of abuses. *Report on Visit to Punjab* describes the Commission's April 1994 visit to the state, which received 171 specific complaints alleging human rights violations by police or militants. In his address to CIDA in June 1995, Justice V.S. Malimath of the NHRC noted that despite initial scepticism the Commission has won the respect of many groups for its stands against the Terrorist and Disruptive Activities (Prevention) Act (TADA) and its criticisms of security forces. However, Navkiran Singh, a human rights lawyer from Punjab, maintains that the NHRC has not been effective in curbing abuses in Punjab (1 Sept. 1995). Similarly, Nigel S. Rodley, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment, commented in his 12 January 1995 report that the NHRC "reportedly lacked independent investigative machinery, having to rely on investigative staff provided by the Government who operated under the supervision of the Director-General of

Police," and that "the mandate of the Commission ... was reportedly limited to asking for a report from the Government on alleged human rights violations and there was no obligation on the part of the Government to proceed with or to publish any of the Commission's recommendations" (see also *India Today* 15 Jan. 1995, 127).

Pettigrew, Joyce J.M. 1995. *The Sikhs of the Punjab: Unheard Voices of State and Guerrilla Violence*. New Jersey: Zed Books.

Dr. Joyce J.M. Pettigrew is a Scottish anthropologist who teaches at Queen's University in Belfast. *The Sikhs of the Punjab* "deals with the nature of Sikh resistance to the Indian state in the years 1984-92" (Preface, vii). The information was gathered during three field trips from 1990-93, often under difficult or dangerous circumstances (Acknowledgements, ix). The book contains the findings from many interviews with Sikh militants and gives detailed information on particular militant groups and police tactics used during this period.

Singh, Navkiran. 1 September 1995. Telephone conference and interview with the IRB, Calgary and Ottawa.

Singh, Navkiran et al. 29 May 1994. Petition to the Supreme Court of India, New Delhi.

Navkiran Singh is a human rights lawyer from Punjab. He has conducted nearly 1000 cases relating to TADA and National Security Act (NSA) detainees, and prepared briefs on individual cases for the UN Sub-Commission on Enforced and Involuntary Disappearances in 1991, 1992 and 1995. The 29 May 1994 petition to the Supreme Court of India contains a plea for greater protection for human rights lawyers. As a result of the petition the Supreme Court issued notice to the State of Punjab, through the chief secretary and home secretary, to follow up on a number of cases (Supreme Court of India 2 July 1995). Mr. Singh is also part of a public interest petition filed against the State of Punjab and the director general of police seeking accounting and return of public funds distributed to police officials in the form of bounties for killing labelled militants.

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